

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

RICHARD WALKER,
Plaintiff,

v.

ALLIANCE OUTDOOR GROUP, INC.
And ALLIANCE OUTDOORS
PRODUCTS, INC., d/b/d X-STAND
TREESTANDS,
Defendants.

Case No. 3:20-cv-773

VIDEO DEPOSITION OF RICHARD WALKER

February 9, 2021
Richmond, Virginia

Reported by: DorothyJane Gatzek Parker

Page 278

1 And at some point you had some -- you, you
2 were talking about using it 20 times, but I think at
3 one point you were saying, Well, maybe it was less, my
4 wife wouldn't let me go and hunt that many times, or
5 something to that effect.

6 Did, did you want to clarify on that
7 point?

8 A Well, when, when I said 20 times, I didn't
9 think that everyone else would say 20 times each
10 stand. And I'm thinking 20 times, you know, during
11 the, during the -- what -- the five-week season or
12 whatever it is --

13 Q Okay. So do you, do you think --

14 A -- but, but then, but then again, somebody
15 mentioned 20 times? That's a lot of, you know, and I
16 said, Yeah. I didn't think that was very many, they
17 were thinking three or four stands 20 times each. I
18 could be divorced by now.

19 Q So suffice it to say you think it was --

20 A I think she --

21 Q -- you think it was actually less than 20
22 times?

23 A Yes. Better put my mask back on.

24 Q All right.

25 MR. SPINELLI: Thanks very much. This may

Page 280

1 BY MR. SUTTON:

2 Q Okay. But you showed me now just two
3 times --

4 A You asked me how I would do it. I said,
5 Yes. I would do it like this.

6 Q Okay. But you were in the process of
7 doing that when you moved up?

8 A I'm sitting here, undid it, going to get
9 up. That's all I remember except looking up at the
10 stars.

11 Q Okay.

12 A Yes. I would have put it around the tree.

13 Q Okay. When I asked you, when I asked you
14 where your weight was, you told that your weight were
15 on your feet, because you were in the process of
16 standing up?

17 A No. You told me my weight was on the
18 feet.

19 You said, Your weight would mostly be on
20 the feet.

21 Yes, if I was standing up, but I still
22 had, I had to have weight on that side there. It's
23 logical. I'm not going to -- something's not going to
24 break if you don't have --

25 Q You don't think you had weight on your

Page 279

1 have prompted some further questions, or defense
2 counsel may have some further questions for you.

3 REDIRECT EXAMINATION

4 BY MR. SUTTON:

5 Q I've got a few follow up questions. I'm
6 going to show you --

7 A Pardon me?

8 Q I have a few follow-up questions.

9 So counsel asked you about climbing, and
10 we talked about climbing.

11 As you climb, you put your, your, your
12 behind on that front bar of the climbing, or the upper
13 portion of the stand, and then you lift your knees up;
14 right?

15 A Generally, yes.

16 Q Okay. But at the time the accident
17 occurred, you were not in the process of climbing, you
18 were in the process of standing to move that strap;
19 right?

20 A Well --

21 MR. SPINELLI: I'll object to the form.

22 A Yeah.

23 MR. SPINELLI: Go ahead and answer.

24 A I would have had weight on it till I got
25 up like this.

Page 281

1 butt. You pointed to your hip area; right?

2 A What?

3 Q You pointed that you might have had some
4 weight on the, on the hip area, but not on your butt;
5 right?

6 A Look. I'm going to tell you what. Two
7 years ago when I'm sitting up there, when I undid that
8 sitting, went to get up, everything broke.

9 Now, did it break as I got up? I don't
10 know.

11 Did it break after I got up and something
12 touched it? I don't know; okay?

13 I keep saying that there's this blank
14 spot.

15 Q Sir, I, I, I understand. All I'm trying
16 to get is, you don't know how it happened; right?

17 MR. SPINELLI: Objection --

18 A Other than --

19 MR. SPINELLI: -- to form.

20 BY MR. SUTTON:

21 Q You're not suggesting --

22 A -- no.

23 Q You're not suggesting that any of your
24 earlier testimony that you gave was not accurate; you
25 just did the best you could with what you remember;

Page 282

1 right?

2 A You're confusing me now.

3 Q Okay. Your earlier testimony when we were
4 talking, you're not, you're not suggesting that was
5 inaccurate are you?

6 You're testifying truthfully; right?

7 A I thought I was pretty truthful, but the
8 thing is, you're asking me how I would hook something
9 up, and I'm telling you.

10 Q I was -- all right.

11 Now, you testified that you would hunt as
12 many as three to four times a week.

13 How long is the hunting season?

14 A Well, the bow season is about four weeks,
15 or five weeks long. The gun season, that's when it
16 gets crazy, and I usually just hunt in my
17 neighborhood.

18 That's until the first Saturday in
19 January.

20 Q And then you say it was still going on,
21 some late bow season is still going on now; right?

22 A Oh, that's a special season trying to thin
23 out some does down in the county there.

24 Q So that's a season --

25 A It's called an urban season.

Page 283

1 Q Okay. So that's basically -- in some
2 instances, the season can go from as late as October
3 through February; right?

4 A Oh, yeah.

5 Q Okay. So it can be four months long?

6 A This year it's going through March 28th.

7 Q All right.

8 MR. SUTTON: I have no further questions
9 at this time. Thank you very much for your time. I
10 wish we had met under better circumstances.

11 THE VIDEOGRAPHER: If there are no more
12 questions, this is the end of deposition. The time is
13 2:58 p.m. We are off the record.

14 Thank you all very much.

15 And further this deponent saith not.

16 (Reading and signature waived.)

17 (The deposition concluded at 2:58 p.m.)

Page 284

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2
3 I, DorothyJane Gatzek Parker, Notary Public
4 in and for the Commonwealth of Virginia at large, and
5 whose commission expires October 31, 2023, do certify
6 that the aforementioned appeared before me, was sworn
7 by me, and was thereupon examined by counsel; and that
8 the foregoing is a true, correct, and full transcript
9 of the testimony adduced.

10 I further certify that I am neither related
11 to nor associated with any counsel or party to this
12 proceeding, nor otherwise interested in the event
13 thereof.

14 Given under my hand and notary seal at Gum
15 Spring, Virginia, this day of , 2021.

16
17
18 DorothyJane Gatzek Parker
19 Court Reporter